

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Latrice Frazier	Team: Squad #1	CCRB Case #: 201905471	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/22/2019 11:49 AM, Saturday, 06/22/2019 11:00 PM	Location of Incident: In front of 180 Powell Street; Inside PSA 2 (180 Powell Street)	Precinct: 73	18 Mo. SOL 12/22/2020	EO SOL 8/8/2021	
Date/Time CV Reported Mon, 06/24/2019 8:29 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/24/2019 8:29 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Abir Noor	21625	959847	PSA 2
2. POM Stephen Penaranda	01487	937263	PSA 2
3. POM Vincenzo Rallo	29780	954258	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephen Penaranda	Discourtesy: While in front of 180 Powell Street, Police Officer Stephen Penaranda spoke discourteously to § 87(2)(b)	
B.POM Vincenzo Rallo	Abuse: While inside of PSA2, Police Officer Vincenzo Rallo did not obtain medical treatment for § 87(2)(b)	
C.POM Vincenzo Rallo	Abuse: While inside of PSA2, Police Officer Vincenzo Rallo refused to provide his name to § 87(2)(b)	
D.POM Vincenzo Rallo	Abuse: While inside of PSA2, Police Officer Vincenzo Rallo refused to provide his shield number to § 87(2)(b)	
E.POM Vincenzo Rallo	Discourtesy: While inside of PSA2, Police Officer Vincenzo Rallo spoke discourteously to § 87(2)(b)	
F.POM Abir Noor	Discourtesy: While inside of PSA2, Police Officer Abir Noor spoke discourteously to § 87(2)(b)	
G.POM Abir Noor	Off. Language: While inside of PSA2, Police Officer Abir Noor made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
H.POM Abir Noor	Abuse: While inside of PSA2, Police Officer Abir Noor threatened § 87(2)(b) with the use of force.	

Case Summary

On June 24, 2019, § 87(2)(b) filed the following complaint with the CCRB via telephone.

On June 22, 2019, Police Officer Stephen Penaranda and Police Officer Vincenzo Rallo of PSA2 arrested § 87(2)(b) and § 87(2)(b). While in the back of the police vehicle, § 87(2)(b) moved his handcuffs to the front of his body. PO Penaranda responded, “Now you are going to get the fuck up. Now you are going to get the fuck up” (**Allegation A: Discourtesy** – § 87(2)(g)).

While being processed at PSA2, § 87(2)(b) allegedly told PO Rallo that he wanted medical treatment and did not receive treatment (**Allegation B: Abuse of Authority** – § 87(2)(g)). While being fingerprinted in the holding cell area, § 87(2)(b) allegedly asked PO Rallo for his name and badge number and PO Rallo responded by saying, “mind your fucking business” (**Allegations C and D: Abuse of Authority** – § 87(2)(g); **Allegation E: Discourtesy** – § 87(2)(g)). § 87(2)(b) allegedly asked Police Officer Abir Noor of PSA2 why his arresting officer’s name was not on his property voucher. PO Noor responded saying, “Shut the fuck up, you pussy. I’ll kick your fucking ass” (**Allegation F: Discourtesy** – § 87(2)(g); **Allegation G: Offensive Language** – § 87(2)(g); **Allegation H: Abuse of Authority** – § 87(2)(g)).

Body-worn camera (BWC) footage captured this incident (**Board Review 01, 02, 16, and 17**). Additional BWC footage related to this incident (**Board Review 18-22**). Body-worn camera footage from PO Noor was not able to be obtained due to a sealed arrest related to another matter. PSA2 Stationhouse footage was obtained (**Board Review 09, 10, 23, 24, and 25**).

§ 87(2)(b) was charged with § 87(2)(b).
§ 87(2)(b) was charged with § 87(2)(b).

Findings and Recommendations

Allegation (A) Discourtesy: While in front of 180 Powell Street, Police Officer Stephen Penaranda spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that when an officer first told him to stop, he walked away and then ran when the officer chased him. When the officer approached him a second time, he did not run and was subsequently placed in handcuffs. § 87(2)(b) did not make any complaints regarding his time inside the police vehicle. § 87(2)(b) did not witness § 87(2)(b)’s apprehension. BWC from PO Rallo and PO Penaranda captured PO Rallo chasing § 87(2)(b). PO Rallo and PO Penaranda handcuffed § 87(2)(b) behind his back and placed him into the back of the police vehicle. Approximately 1 minute after being contained in the vehicle, PO Penaranda told PO Rallo that § 87(2)(b) moved his handcuffs to the front. PO Rallo opened the back-passenger’s door, where § 87(2)(b) had his handcuffs in the front of his body. PO Penaranda stated to § 87(2)(b) “now you are going to get the fuck up. Now you are going to get the fuck up”. § 87(2)(b) exited the vehicle and PO Rallo and PO Penaranda adjusted his handcuffs to the back (**Board Reviews 01, 02, and 17**).

PO Penaranda testified that the first time that he and PO Rallo approached § 87(2)(b) he ran and the officers were unable to catch up to him. Approximately 25 minutes later, a NYCHA employee alerted them to § 87(2)(b)’s presence in the area. § 87(2)(b) surrendered upon this second approach though was loud, cursing, and disputed his arrest. § 87(2)(b)’s subsequent act of adjusting his handcuffs to the front of his body was a red flag as § 87(2)(b) could have opened the door and run or broken the SUV windows. PO Penaranda used the word “fuck” in an effort to be assertive and control the situation. (**Board Review 03**).

Officers are to be courteous and respectful to civilians **Patrol Guide Procedure No: 203-10 (Board Review 04)**.

In **DAO-DCT case number 2017-17005**, the trial commissioner held that profane remarks made during stressful situations or while an officer is trying to get a chaotic situation under control are not misconduct, (**Board Review 05**).

§ 87(2)(g)

Allegation (B) Abuse of Authority: While inside of PSA2, Police Officer Vincenzo Rallo did not obtain medical treatment for § 87(2)(b)

Allegation (C) Abuse of Authority: While inside of PSA2, Police Officer Vincenzo Rallo refused to provide his name to § 87(2)(b)

Allegation (D) Abuse of Authority: While inside of PSA2, Police Officer Vincenzo Rallo refused to provide his shield number to § 87(2)(b)

Allegation (E) Discourtesy: While inside of PSA2, Police Officer Vincenzo Rallo spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that at the PSA2 station house, he asked PO Rallo several times for medical treatment because his wrists hurt but PO Rallo did not obtain it for him. While being fingerprinted, § 87(2)(b) asked PO Rallo for his name and shield number after noticing that it was not on his property voucher, PO Rallo did not respond or provide it to him. § 87(2)(b) asked PO Rallo again for his name and shield number to which PO Rallo responded, “Mind your fucking business” **(Board Review 07)**. § 87(2)(b) did not mention this conversation with PO Rallo **(Board Review 06)**.

PO Rallo testified that while processing § 87(2)(b) at PSA2, he asked § 87(2)(b) if he would like medical attention, as it is his practice to ask everyone he arrests, and § 87(2)(b) refused. § 87(2)(b) never requested medical attention or asked PO Rallo for his name or shield number. PO Rallo stated that his nameplate and shield were visible, and he would have provided the information if asked. PO Rallo did not tell § 87(2)(b) to, “Mind your fucking business” **(Board Review 16)**. PO Rallo’s BWC captured § 87(2)(b)’s processing and placement into a cell at PSA2, but did not capture his entire stay in the holding cells or any of the allegations **(Board Review 01)**.

§ 87(2)(g)

Allegation (F) Discourtesy: While inside of PSA2, Police Officer Abir Noor spoke discourteously to § 87(2)(b)

Allegation (G) Offensive Language: While inside of PSA2, Police Officer Abir Noor made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

Allegation (H) Abuse of Authority: While inside of PSA2, Police Officer Abir Noor threatened § 87(2)(b) with the use of force.

§ 87(2)(b) testified that PO Noor, who was not involved in her arrest, entered the holding cell area and brought in new prisoners. PO Noor placed a female prisoner into the cell with her. PO Noor told § 87(2)(b) to, “Shut the fuck up, you pussy. I’ll kick your fucking ass.” § 87(2)(b) then asked PO Noor for his name, and he said, “Noor” **(Board Review 06)**.

§ 87(2)(b) testified that he asked PO Noor if PO Noor could ask PO Rallo why PO Rallo’s name was not on his property voucher. PO Noor responded, “Shut the fuck up you pussy, I’ll kick your fucking ass.” § 87(2)(b) responded by saying come on, then do it, open the cell. **(Board Review 07)**.

PO Noor testified that he did not recall the names of § 87(2)(b) or § 87(2)(b) and did not recall interacting with any inmates that were not related to his arrest. PO Noor did not

recognize or recall § 87(2)(b) or § 87(2)(b) when shown photos. When shown images taken from the station house footage of PSA2 PO Noor identified himself and explained the actions he took while lodging inmates related to a separate arrest. PO Noor stated he did not receive any requests for information from arrestees that were not his own, and if he had, he would have found his/her arresting officer. PO Noor did not recall saying, “shut the fuck up,” or “shut the fuck up you fucking pussy” to anyone. PO Noor did not recall threatening to “kick [anyone’s] fucking ass” (**Board Review 08**).

PSA2’s holding cell area station house security footage did not capture audio. The footage showed PO Noor processing individuals from an unrelated arrest, however, did not show PO Noor interacting with § 87(2)(b) or § 87(2)(b) (**Board Review 09 and 10**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to two CCRB complaints and has been named as a victim in one allegation (**Board Review 11**).
 - § 87(2)(b)
 -
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 12**).
- PO Stephen Penaranda has been a member of service for 14 years and has been a subject in four CCRB complaints and four allegations, none of which were substantiated. ■
§ 87(2)(g)
- PO Abir Noor had been a member of service for four years and has been a subject in seven CCRB complaints and 10 allegations, none of which were substantiated. ■
§ 87(2)(g)
- PO Vincenzo Rallo has been a member of service for seven years and has been a subject in two CCRB complaints and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of December 2, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 13**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 14**).

§ 87(2)(b)

Squad No.: 1

Investigator:	<u>Inv. Frazier</u>	<u></u>	<u>3.26.20</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Mgr. Joy Almeyda</u>	<u></u>	<u>3.26.20</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date